

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CONNIE SUE HOWERTON,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-cv-01462

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 3) entered on November 26, 2018, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 25, 2019, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 16) wherein it is recommended that this Court: grant the Plaintiff's request for judgment on the pleadings to the extent that it seeks remand (Document 11); deny the Defendant's request to affirm the decision of the Commissioner (Document 12); reverse the final decision of the Commissioner; remand this action pursuant to sentence four of 42 U.S.C. § 405(g); and dismiss this action with prejudice from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 12, 2019.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The Court **ORDERS** that: the Plaintiff's request for judgment on the pleadings to the extent that it seeks remand (Document 11) be **GRANTED**; the Defendant's request to affirm the decision of the Commissioner (Document 12) be **DENIED**; the final decision of the Commissioner be **REVERSED**; this action be **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g); and this action be **DISMISSED with prejudice** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: August 23, 2019



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA